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APPLICATION N	О.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/705,343		11/10/2003	Dana D. Branham	02-418	5147	
719	7590	03/25/2005		EXAMINER		
	PILLAR I		UNDERWOOD, DONALD W			
100 N.E. ADAMS STREET PATENT DEPT.				ART UNIT	PAPER NUMBER	
PEORIA, IL 616296490			3652			
				DATE MAILED: 03/25/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s)	\								
Examiner		Application No.	Applicant(s)	7					
Donald Underwood Sissa Donald Underwood Dona	\sim	10/705,343	BRANHAM ET AL.	•					
- The MALLING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Extension of time may be available under the aproximes 37 CPR 1.13(a). In no event, however, may a raphy be timely filed Extension of reply is pecified above is less than thisty (30) days, and the period for reply very within the statutory minimum of thinty (30) days will be considered timely. If the period for reply is pecified in the profit of reply will, by shalling, cause the application in biscorne ABANDONED (38 U.S.C § 133). If the period for reply is pecified above, the maximum statuty period vill application in become ABANDONED (38 U.S.C § 133). Responsive to communication(s) filed on	Office Action Summary	Examiner	Art Unit						
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Art Unit: 3652

Detailed Action

1. In the specification, page 5, line 8, "removably 309" should be --309 removably--.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1, 5, 6, 7 and 13-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Zimmerman.

Note 42 in Zimmerman is a front axle housing. Note 42 is also used in Zimmerman to denote a lever.

Regarding claim 7, note 48 engages 72 and is thus broadly a hook.

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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Art Unit: 3652

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman in view of Schmitz, Jr. et al.

It would have been obvious to one having ordinary skill in the art to provide a boom lock on the Zimmerman cylinder 24 in view of the teaching in Schmitz to provide direct protection to the hydraulic cylinder. Note 68 in Schmitz is synonymous with applicants' collar.

7. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman.

The Zimmerman device fails to meet the instant claims since its restraint appears to be permanently attached to the axle and moved from a none use to a use position when needed instead of being attached each time. However, it would have been obvious to one having ordinary skill in the art to attach and to remove the restraint in Zimmerman everytime one secured and unsecured the restraint to protect against thief of the restraint and/or weather and field damage to the restraint when not in use.

8. Any inquiry concerning this communication should be directed to D. Underwood at telephone number 703-308-1112.

dnald W. Underwood 03/21/05 JNALD W. UNDERWOOD

PRIMARY EXAMINER

Underwood/vs March 16, 2005